

JURY TRIAL DEMANDED

Joel H. Slomsky, J.

JURY TRIAL DEMANDED

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiffs

JURY TRIAL DEMANDED

² By Defendant and his counsel's response (Exh. B), they waive Rule 11's "safe harbor."

As indicated in the safe harbor correspondence, the counterclaim is and was nothing more than a foundationless, bad faith reflexive vexation and harassment of Plaintiff for Plaintiff having initiated this action – not grounded in any law nor fact as applicable to the claimed cause of action. To wit, the counterclaim’s cause of action is wholly unsupported in its factual averments and as a matter of law untenable.

As this Honorable Court knows well pleadings’ minimum sanctions avoidance requirements – of which the counterclaim does not meet in any respect, Plaintiff refrains from reiterating the well-known standards for sanctions herein requested. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1995, n. 13 (2007); Clinton v. Jones, 520 U.S. 681, 117 S.Ct. 1636, n. 42 (1997). Simply, Plaintiff has granted Defendant and his counsel every opportunity and notice to withdraw the counterclaim, and they have refused – not because of a misunderstanding, good faith belief in an otherwise non-meritorious cause, or mistake, but rather to bully and intimidate Plaintiff.³

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant Plaintiff’s Motion for Sanctions consistent with the attached proposed Order.

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiffs

³ See, Exh. B – threatening ethical ramifications for Plaintiff’s mere compliance with Rule 11 and therein cover’s expressed professional courtesy. (Exh. A). Notable in Respondents’ missive (Exh. B), there is no explanation for the counterclaim – only threats and “argle-bargle.”

JURY TRIAL DEMANDED

Clyde Neihart
d/b/a Stealth Recovery/Right Turn Transportation
2111 Sycamore Drive
Harrisburg, PA 17112

Joseph Venezia, Inc. d/b/a
J.V.I. Towing and Recovery
601 E. Morre Street
Norristown, PA 19401

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiffs